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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,514	04/28/2005	Pablo Zom	04-572	4433
20306 7590 07/25/2008 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER BELOUSOV, ANDREY				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
07/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/501,514

**Applicant(s)**

ZOM ET AL.

**Examiner**

ANDREY BELOUSOV

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/25/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in responsive to the amendment filed on 4/25/2008. Claims 1-25 are pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2-7, 12, 13-18 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanefsky (2002/0032750.)

**Claim 1, 12, 22, 23, 24, 25:** Kanefsky discloses a Server (Fig. 1: 130, 110) for offering an internet portal comprising

- a. a menu (par. 32, "an initial menu") comprising menu-items and linked sub-menu items (Fig. 4) to a mobile terminal (Fig. 1: 160) comprising
- b. a transmitting module for transmitting a portal signal to said terminal (par. 0027), which portal signal comprises menu-item signals each for displaying at least a part of a menu-item on a display of said terminal (par. 0032, 0033), with said portal signal comprising said menu-item signals being stored in said server (par. 0045, Fig. 2: 270), and

- c. a receiving module for receiving an activation signal (par. 58, a signal indicating that an item was activated, or "which items are ... selected") from said terminal for activating (par. 58: "which items are ... selected"; par. 59: which folder, e.g. relating to stock prices, is navigated to, i.e. selected; par. 62, "opens a folder") a menu-item (par. 0028, Fig. 2: 122), which activation signal comprises a menu-item code (it is inherent that passing of information from the wireless device to the server would be in the form of a code; par. 0050, 0057, 0058) defining a menu-item,
- d. wherein at least some of said menu-items each are linked to at least two sub-menu-items (par. 61: "one or more of the messages"; par. 0062: "number of URLs"), with said server comprising
- e. a generating module for generating, (Fig. 2: 210, 240, 250) in response to a first menu-item code (it is inherent that passing of information from the wireless device to the server would be in the form of a code; par. 0050, 0057, 0058), sub-menu-item signals (par. 28, packets; par. 61: one or more messages) each for displaying at least a part of a sub-menu-item linked (par. 60, 61: as a result of a search initiated as a result of opening the folder) to a first menu-item on said display (par. 0052, 0053), and for generating, in response to a second menu-item code, sub-menu-item signals each for displaying at least a part of a sub-menu-item linked to a second menu-item on said display (par. 0057-62), with at least most of said sub-menu-items of said first menu-item being personalized (par. 0038, 0039, 0059; par. 51: "targeted messages"), and with at least most of said

sub-menu-items of said second menu-item being non-personalized (par. 0036;  
par. 32: "initial menu"; par. 60: "predetermined messages")

**Claim 2, 13:** Kanefsky discloses the server according to claim 1, wherein said server comprises an addressing module for, in response to a receival from said terminal of a further activation signal comprising a sub-menu-item-code defining a sub-menu-item, addressing a service provider for coupling said terminal to said service provider (par. 0049.)

**Claim 3, 4, 14, 15:** Kanefsky discloses the server according to claim 1, wherein server comprises a supplying module for, in response to a receival from said terminal of a further activation signal comprising a sub-menu-item code defining a sub-menu-item of a third menu-item, supplying time-dependent information stored in said server from said server to said terminal (par. 0036, 0054, 0055.)

**Claim 5, 6, 7, 16, 17, 18:** Kanefsky discloses the server according to claim 1, wherein said server comprises an adjusting module for, in response to a receival from said terminal of a further activation signal comprising a sub-menu-item of a fourth menu-item, allowing adjustment of user-dependent information stored in said server in dependence of a receival of an adjustment signal originating from said terminal (par. 0038, 0039, 0058, 0059.)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, 10, 11, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanefsky.

**Claim 8, 9, 10, 11, 19, 20, 21:** Kanefsky discloses the server according to claim 1, wherein five menu-items offer time-dependent information, personalized services, non-personalized services, adjustment of user-dependent information and help (Fig. 4: 420.) Kanefsky does not explicitly disclose that the menu items are in this particular order on said display. However, the menu items disclosed in Kanefsky could have been ordered in this particular order with no change in their respective functions, and would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Additionally, this particular order of menu items is a mere design choice, imparting no added unusual or unforeseen functionality.

***Response to Arguments***

Applicant's arguments filed 4/25/2008 have been fully considered but they are not persuasive. Applicants' argument that Kanefsky fails to teach or suggest at least the following:

1. a receiving module for receiving an activation signal where the activation signal comprises a menu-item code defining a menu item;
2. a generating module
3. at least most of the sub-menu-items of the first menu-item being personalized, and with at least most of the sub-menu-items of the second menu-item being non-personalized.

has been fully considered but are not persuasive.

With regard to "a menu-item code defining a menu item", Kanefsky discloses, a menu-item code inherently, as the passing of information from the wireless device to the server would be in the form of a code; par. 0050, 0057, 0058.

With regard to "a generating module", Kanefsky discloses that the corresponding menu items are "linked" to the sub-menu-items, as a result of a search initiated as a result of opening the folder par. 60, 61.

With regard to certain men-items being personalized and non-personalized, Kanefsky discloses a whole array of information that could be sent over to the wireless device, whether as a result of preferences stored, device used, or specifically, as "targeted messages." This also includes default, or initial menu setup which would lack such personalization.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/  
Primary Examiner, Art Unit 2174

AB  
July 18, 2008